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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,862	11/08/2001	L. Mark Ernest	FIS9-2000-0304	2036

7590 12/01/2008  
George R. Pettit Connolly Bove Lodge & Hutz LLP  
P.O. Box 19088  
Washington, DC 20036-3425

EXAMINER
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BOSWELL, BETH V

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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12/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MARK ERNEST, CHRISTOPHER FINDEN-BROWNE,  
AND JAMES MOORE

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Application No. 10/005,862  
Technology Center 3600

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Mailed: December 1, 2008

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Before Krista Zele, *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 20, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated October 27, 2006. There is no indication on the record that the Examiner has signed the above Information Disclosure Statement. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying appellant of the Examiner's consideration of the above Information Disclosure Statement is required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Information Disclosure Statement filed October 27, 2006; and
- 2) for such further action as may be appropriate.

KZ/tsj

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